

ORDINANCE NO. 2013-02-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING ORDINANCE NO. 2008-07-067 OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 11.82 ACRE PROPERTY, LOCATED ON THE SOUTHWEST CORNER OF WADDILL STREET AND U.S. HIGHWAY 380 (UNIVERSITY DRIVE), IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY TO MODIFY THE DEVELOPMENT STANDARDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INJUNCTIVE RELIEF, PROVIDING FOR NO VESTED INTEREST; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

WHEREAS, the City of McKinney has considered the rezoning of an approximately 11.82 acre property, located on the southwest corner of Waddill Street and U.S. Highway 380 (University Drive), which is more fully depicted on Exhibit "A", attached hereto, from "PD" – Planned Development District to "PD" – Planned Development District, generally to modify the development standards; and,

WHEREAS, after due notice of the requested rezoning as required by law, and the required public hearings held before the Planning and Zoning Commission and the City Council of the City of McKinney, Texas, the City Council is of the opinion that the change in zoning district should be made.

NOW THEREFORE BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS:

Section 1. Ordinance No. 2008-07-067 is hereby amended in order to rezone an approximately 11.82 acre property, located on the southwest corner of Waddill Street and U.S. Highway 380 (University Drive), from "PD" – Planned Development District to "PD" – Planned Development District.

Section 2. Use and development of the subject property shall conform to the "BG" – General Business District regulations, as set forth in Section 146-85 of the Zoning Ordinance, and as amended, except as follows:

- (a) The subject property shall generally conform to the site layout, as shown on the attached Zoning Exhibit "B."
- (b) The subject property shall generally conform to the architectural elevations, as shown on the attached Zoning Exhibit "C."
- (c) An 8 foot masonry screening device shall be provided along the east and south sides of the subject property, as shown on the attached site layout exhibit (Zoning Exhibit "B").
- (d) A 12 foot minimum wing wall screening device shall be provided along the east side of the proposed compactor well, as shown on the attached site layout exhibit (Zoning Exhibit "B").
- (e) A 65 foot minimum landscape setback with additional canopy trees shall be provided along the east side of the subject property, as shown on the attached site layout exhibit (Zoning Exhibit "B").
- (f) Crape myrtle trees (2" caliper and 8' tall at the time of planting) shall be provided every 15 linear feet along Harroun Avenue and within the required 20' landscape buffer, as shown on the attached site layout exhibit (Zoning Exhibit "B").

(g) No driveway access point along Harroun Avenue shall be utilized as an entry/exit for semi-trailer trucks (with at least three axles that are designed to tow trailers), until such time that Harroun Avenue and Graves Street have been constructed to accommodate said trucks under the then-existing street construction standards, subject to review and approval of the City Engineer.

Section 3. If any section, subsection, paragraph, sentence, phrase or clause of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect, and to this end, the provisions of this Ordinance are declared to be severable.

Section 4. It shall be unlawful for any person, firm or corporation to develop this property, or any portion thereof, in any manner other than is authorized by this Ordinance, and upon conviction therefore, shall be fined any sum not exceeding \$2,000.00, and each day that such violation shall continue shall be considered a separate offense. These penal provisions shall not prevent an action on behalf of the City of McKinney to enjoin any violation or threatened violation of the terms of this Ordinance, or an action for mandatory injunction to remove any previous violation hereof.

Section 5. That no developer or property owner shall acquire any vested interest in this Ordinance or specific regulations contained herein. The ordinance, and the subsequent site plans (if any) and regulations may be amended or repealed by the City Council of the City of McKinney, Texas, in the manner provided by law.

Section 6. The caption of this Ordinance shall be published one time in a newspaper having general circulation in the City of McKinney, and shall become effective upon such publication.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THE 5th DAY OF FEBRUARY, 2013.

CITY OF MCKINNEY, TEXAS

BRIAN LOUGHMILLER
Mayor

CORRECTLY ENROLLED:

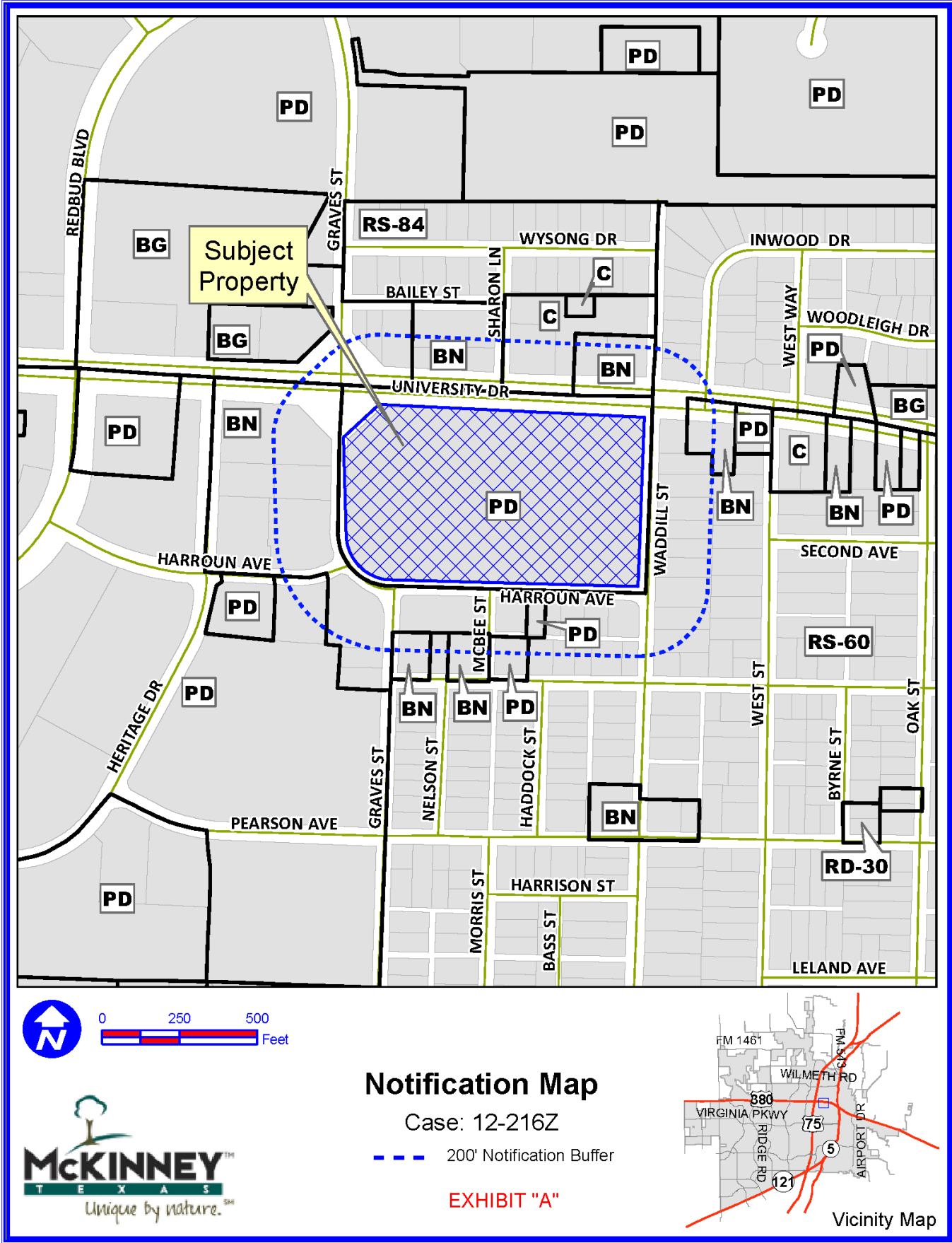
SANDY HART, TRMC, MMC
City Secretary
BLANCA I. GARCIA
Assistant City Secretary

DATE: _____

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney

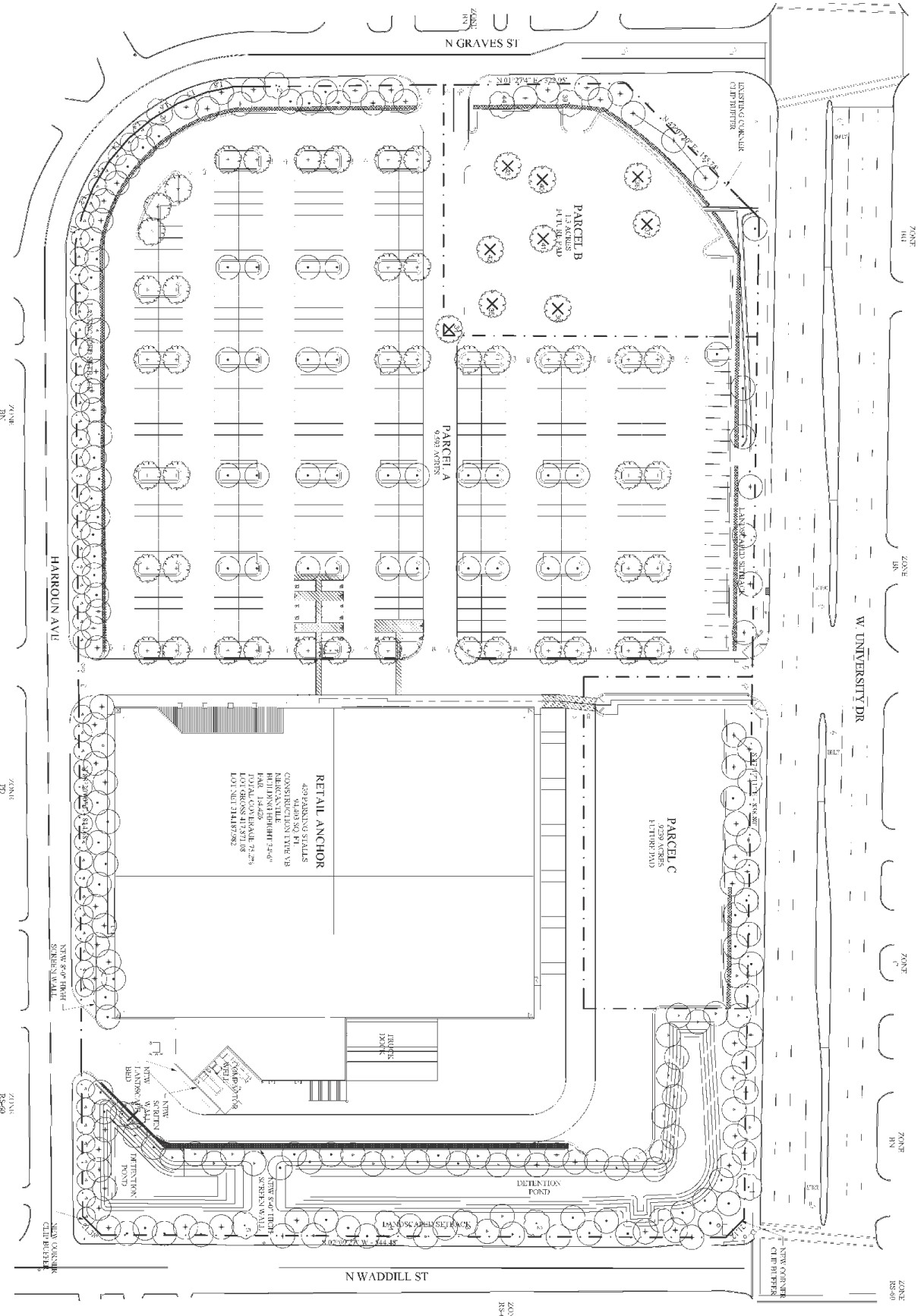
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DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of McKinney. Any use or reliance on this map by anyone else is at that party's risk and without liability to the City of McKinney, its officials or employees for any discrepancies, errors, or variances which may exist.

EXHIBIT A

EXHIBIT "B"



NO.	BEARING	INSTANCE
L1	N 74°52'40" W	25.00'
L2	N 56°35'00" W	24.25'
L3	N 47°22'24" W	24.88'
L4	N 59°42'20" W	24.05'
L5	N 19°21'33" W	25.04'
L7		

RETAIL ANCHOR
 45 PARKING STALLS
 94,423 SQ. FT.
 CONSTRUCTION TYPE VS
 5.00' CLEARANCE
 BUILDING HEIGHT 13'-0"
 PAV. 1.5'-4.5"
 1.5' SIDEWALK
 LOT CROSS SECTION
 LOT NO. CH1417282

RECEIVED
 By registered at 10:36 am, Dec 31, 2012

LEGAL DESCRIPTION
 1/8S, 1/4S, 1/4E, 1/4SE, 1/4SW, 1/4NW, 1/4NE, 1/4SE, 1/4SW, 1/4NW, 1/4NE, 1/4SE, 1/4SW, 1/4NW, 1/4NE

	WINCO FOODS STORE NO. 122 1800 NORTH GRAVES STREET MCKINNEY, TEXAS	SHEET SD1
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EXHIBIT B

